

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE

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U.S. DISTRICT COURT
MID. DIST. TENN.

CRAIG CUNNINGHAM, Pro-se

Plaintiff

v.

Constar Financial LLC

Services, LLC

Defendants.

CIVIL ACTION NO.:

Plaintiff's Original complaint

1. The Plaintiff in this case is Craig Cunningham, a natural person and was resident of Davidson County at all times relevant to the complaint, and currently has a mailing address of 5543 Edmondson Pike, ste 248, Nashville, TN 37211
2. Upon information and belief, Constar Financial LLC is a debt collector as defined by the FDCPA, 15 USC 1692, and is operating from 3561 W Bell Road, Phoenix, AZ 85053 and a registered agent address of 2390 E. Camelback Road, Phoenix, AZ 85016.

Business Filings Incorporated

Jurisdiction

3. Jurisdiction of this court arises as the acts happened in this county.
4. Venue in this District is proper in that the defendants transact business here, and the acts and transactions occurred here.

FACTUAL ALLEGATIONS

5. In 2014 and 2015, the Plaintiff received several automated phone calls to the Plaintiff's cell phone which were not related to any emergency purpose and without the Plaintiff's consent.
6. The calls were from Constar, and they were attempting to collect an alleged debt from the Plaintiff. After the initial communication with the Plaintiff, the Defendants never sent a notice of the Plaintiff's rights under the law as required by 15 USC 1692g(a).
7. The Plaintiff called to inquire as to why they had not sent the Plaintiff a notice of his rights within 5 days, and an agent of Constar claimed that they had indeed sent the required notice, however, a manager called the Plaintiff back and then confirmed that upon further investigation, they had not actually sent the required notice, which violates the FDCPA. This is a false or misleading representation that is likely to deceive an unsophisticated consumer in violation of the FDCPA.
8. These calls violated the Telephone Consumer protection act, 47 USC 227 (b) by their automated nature and entitle the Plaintiff to \$1500 per call in damages, per call.
9. The agents calling on behalf of Constar also violated the FDCPA, 15 USC 1692(d) and 15 USC 1692(e) for making false or misleading representations. Additionally, by violating the TCPA, the defendants also engaged in conduct they can't legally take, which again violates the FDCPA. This entitles the Plaintiff to at least \$1,000 in statutory damages.

CAUSES OF ACTION:

COUNT I

Violations of the Telephone Consumer Protection Act (TCPA)

10. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
11. The foregoing actions by the Defendants constitute multiple breaches of the TCPA by placing unsolicited and unwelcome telephone calls to the Plaintiff's cell phone using an automated telephone dialing system.

COUNT II

Violations of the Fair Debt Collection Practices Act

12. Plaintiff Cunningham incorporates by reference all of the above paragraphs of this complaint as though fully stated herein.
13. The foregoing actions by the Defendants constitute multiple breaches of the FDCPA by placing multiple harassing calls to the Plaintiff and making false or misleading statements.

PRAYER FOR DAMAGES AND RELIEFS

- A. WHEREFORE, Plaintiff, Cunningham, respectfully prays and requests that judgment be entered against Defendants
- B. Statutory damages of \$3000 for each phone call and \$1,000 for violating the FDCPA.
- C. Pre-judgment interest from the date of the phone calls.
- D. Punitive damages for all claims in the amount of \$100,000

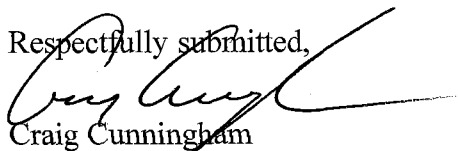
E. Attorney's fees for bringing this action as incurred; and

F. Costs of bringing this action; and

G. For such other and further relief as the Court may deem just and proper

I, Craig Cunningham, Affiant, hereby attest to and certify that the facts contained in the foregoing complaint are true and correct to the best of my knowledge, information and belief and that a true and correct copy of the foregoing was sent to the defendants in this case.

Respectfully submitted,



Craig Cunningham

Plaintiff, Pro-se

Mailing address:

5543 Edmondson Pike, ste 248

Nashville, tn 37211

828-291-7465

January 29st 2015